HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A No.4264 of 2006 (O&M)
Date of decision :15.12.2006

U.H.B.V.N.L. and others **.....Appellants**

versus

Smt.Bhagwan Devi and others **.....Respondents**

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Gaurav Mohunta, Advocate for the appellants.

* * *

JUDGMENT

HEMANT GUPTA, J. (Oral)

C.M.No.11254-C of 2006

In view of the averments made in the application, the delay in affixing the requisite Court fee, is condoned.

C.M.No.11255-C of 2006

In view of the averments made in the application, the delay of 38 days in filing the appeal, is condoned subject to all just exceptions.

R.S.A.No.4264 of 2006

The defendants are in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby the suit filed by the plaintiff-respondents claiming compensation on account of death of the bread winner on account of bursting of the transformer on 18.7.2003, was decreed.

In the written statement, it was pleaded by the defendants that though the damage of the transformer is a common phenomena, but

bursting of the transformer accompanied by spraying of burning oil is rare. The welding seam of the main body opened due to building of gas pressure inside resulting into bending of M.S.Sheet of the transformer tank body at the joint making a wide gap of about 4 inches at the vertical joint of the main tank through which the oil/gases escaped. It was further pleaded that there was no specification for the explosion vent pipe and its design is left to the manufacturer. It was the argument raised by the defendant-appellant before the learned First Appellate Court that the accident has been caused due to negligence of M/s Nucon Company, the manufacturer of the ill fated transformer and there is no negligence on the part of the employees of the appellant-defendants. Both the Courts below have found that such stand of the defendants is not tenable. Even the amount of compensation has been justly allowed keeping in view the well justified principle for determination of compensation.

In view of the findings recorded, I do not find any illegality or irregularity in the judgment and decree passed by the Courts below, which may raise any substantial question of law in the second appeal for consideration of this Court.

Dismissed in limine.

(HEMANT GUPTA)
JUDGE

December 15, 2006
**mohinder*